

PATENT
454313-2200.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jean-Christophe AUDONNET et al.
Serial No. : 09/596,479
Filing Date : June 19, 2000
For : CANINE HERPESVIRUS BASED RECOMBINANT LIVE
VACCINE, IN PARTICULAR AGAINST CANINE
DISTEMPER, RABIES OR THE PARAINFLUENZA 2 VIRUS
Examiner : Mary Mosher
Art Unit : 1648

745 Fifth Avenue, New York, NY 10151

FACSIMILE

I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.

Thomas J. Kowalski, Reg. No. 32,147

Type or print name of person signing certification

Thomas J. Kowalski
Signature

7 Mar 03
Date of Signature

TERMINAL DISCLAIMER

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in further response to the October 10, 2002 Office Action, with an Amendment and Request For Extension of Time filed herewith.

I, Thomas J. Kowalski, declare that I am the attorney of record and that I am authorized to execute terminal disclaimers on behalf of Merial, the assignee of the above-captioned application ("the present application") and U.S. Patent No. 6,159,477 ("the '477 patent")

That Merial has a place of business at 17 rue Bourgelat 69002, Lyon, France;

That Merial is the assignee of the entire right, title and interest in, to and under the present application, U.S. Application Serial No. 09/596,479, as a divisional of U.S. Application

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Serial No. 09/213,083, filed December 16, 1998, now U.S. Patent No. 6,159,477, by virtue of the assignment from the inventors as set out at Reel 9767 and Frame 0567, where said assignment was recorded at the U.S. Patent and Trademark Office on February 17, 1999;

That Merial hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the '477 patent;

That Merial hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '477 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '477 patent, in the event that said '477 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignee, states that Merial, is the assignee of the entire right, title and interest in the patent and patent application identified above (the '477 patent and the present application) by virtue of the assignment identified above.

And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

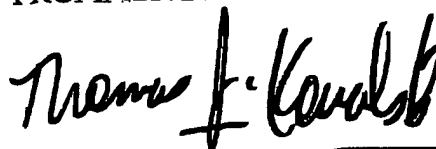
Reconsideration and withdrawal of the double patenting rejection are respectfully requested and consideration, entry and recordation of this Terminal Disclaimer are also earnestly solicited, with any fee therefor or any overpayment in such fees, to be charged or credited to Deposit Account No. 50-0320.

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It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP



By:

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